

a single marking is used to designate certain features and elements of the bingo card or the bingo balls.

Each of the Examiner's rejections of the claims will now be addressed in order.

Claim 1 has been rejected under 35 U.S.C. § 102 (b) as being anticipated by Simpson. Applicant respectfully traverses this rejection.

Simpson discloses a game that is referred to as a version of bingo. However, Simpson's game is a two player or two team game that utilizes a 10x10 matrix with various color coding to differentiate each group of squares, one from the other. For example, there is a first group of twelve red squares 11 contiguous, but non-symmetrically arranged in the upper left-hand portion of the game board 10. A second distinct group of twelve red squares 11 is located on the game board 10 at a location remote from the first group of red squares, and contiguous but arranged in a different pattern from the first group. Likewise, two distinct groups of twelve yellow squares 12, blue squares 13 and green squares 14 are positioned in the game board 10. Each group being contiguous and non-symmetrical. These eight groups of twelve squares plus the four corner free spaces create the 10x10 matrix game board 10.

A deck of cards is used having one hundred four cards -- one card for each color-number combination on the game board 10 and eight wild cards. Initially, five cards from the deck are dealt to each of two players or two teams and the players take turns placing

player's disks on the game board. "The team that obtains five in a row, either vertically, horizontally, or diagonally in a plurality of rows, is a winner or a player or team that positions ten disks in a row wins an associated game." [column 3, lines 61-65].

Claim 1 has been amended to more particularly point out and distinctly claim what the Applicant regards as his invention. In order for a reference to anticipate a claim, each and every element of the claim must be disclosed in the reference. Applicant submits that Simpson does not disclose each and every element of the invention set out in Claim 1 as amended.

Amended Claim 1 now specifies that the bingo card consists essentially of a matrix having seven rows and seven columns. This distinguishes over Simpson who uses a 10x10 matrix. Claim 1 also specifies that a first indicium designates five contiguous rows and five contiguous columns whereby a five-by-five bingo game can be played thereon. Similarly, Claim 1 also specifies that a second indicium designates two contiguous rows and two contiguous columns whereby, when combined with the first indicium, a seven-by-seven bingo game can be played thereon.

The reference to Simpson does not show a bingo card having these elements. Simpson shows a 10x10 matrix card and none of the subcomponent parts of his card have a first indicium designating five contiguous rows and five contiguous columns for playing a five-by-five bingo game. Simpson also does not have a second indicium designating two contiguous rows and two contiguous columns

for playing a seven-by-seven bingo game when combined with the first indicium.

Simpson only discloses a single game being played on a single card. The colors are used to distinguish the numbered squares from one another. Simpson does not have a first five-by-five matrix for playing a first game and a second seven-by-seven matrix (that incorporates the five-by-five matrix) for playing a second game. There is no disclosure in Simpson's game of how it would be adaptable to a gaming environment or that prizes in any form are to be awarded.

The additional rows and columns in Applicant's bingo card serve to increase the difficulty factor to provide for a second, more difficult bingo game. With the difficulty factor increased, the prize to be paid on the second game can be much higher. The two additional rows and columns serve as an extension to the traditional bingo game and do not affect or change the play of the original five-by-five matrix bingo game.

Applicant's bingo card and Simpson's bingo card are used in two completely different games and the additional rows and columns of Applicant's card are used in a completely different manner than Simpson uses his bingo card. The additional rows and columns of Applicant's bingo card serve to increase the difficulty factor in obtaining a bingo and this allows for a higher prize to be paid out. The 10x10 matrix in Simpson's card does not increase the difficulty factor, no additional wager must be made in order to utilize the 10x10 matrix, there are no increased jackpot prizes and

all of the 10x10 matrix must be utilized in order to play the game. Simpson's game allows for only one player to be the winner. There is nothing in Simpson that allows for the winning of prizes, either fixed amounts or based on a progressive jackpot.

Claims 2-7 have been rejected under 35 U.S.C. § 103 as being unpatentable over Simpson in view of Parker. Claim 2 is an independent claim that recites the bingo apparatus combination of the bingo card of Claim 1 plus a plurality of bingo balls.

Claim 2 has been amended to incorporate the same changes that were made to Claim 1 and is submitted to be allowable for the same reasons that Claim 1 is allowable. The reference to Simpson does not teach or suggest a bingo card having a first five-by-five matrix for one game and second seven-by-seven matrix for a second, more difficult game of bingo. The patent to Parker is relied upon for the showing that balls can be used instead of the deck of cards disclosed in Simpson for calling out the winning numbers. Nothing in Parker teaches or discloses the use of a bingo card having a first five-by-five matrix for one game and second seven-by-seven matrix for a second game of bingo. It is submitted that the bingo apparatus set out in Claim 2 would not have been obvious from the combination of Simpson and Parker.

Dependent Claims 3-7 depend from Claim 2, either directly or indirectly, and incorporate all of the limitations of Claim 2. Claims 3-7 specify further features of the bingo apparatus of Claim 2 and are submitted to be allowable for the same reasons that Claim 2 is allowable.

The calling pieces (cards) are marked by color in Simpson's game solely for the purpose of determining where and in which sequence a bingo can be achieved on the game board. The colored bingo balls in Applicant's game do not determine where and in which sequence a bingo can be hit. They are colored and patterned to show the player which numbers must be hit in order to win a jackpot prize for which a separate wager was made. The coloring of the balls has nothing to do with the balls being calling pieces. It is merely a feature which makes it possible for players to win higher jackpot prizes due to the increase in the difficulty factor of obtaining a bingo, whether it be all red, all white, all striped or a combination of those balls. Players are still able to obtain bingos and win prizes without the color of the balls ever coming into play because the color of the ball is not crucial in determining the outcome of the game, nor does it change the play of the game. However, in Simpson, the colors of the cards in addition to the numbers on the cards are calling pieces and the two are inseparable in order to play the game due to the set up of the game board. Additionally, in Simpson the colors on the cards and the colors on the board remain constant and unchanging, whereas the colors of the balls may continually change with each new game in Applicant's invention.

Claims 8 and 9 also have been rejected under 35 U.S.C. § 103 as being unpatentable over Simpson in view of Parker. Claim 8 and 9 have been cancelled and this rejection is now moot.

Claims 10-12 have been rejected under 35 U.S.C. § 103 as being unpatentable over Simpson in view of Parker and further in view of "Scarne's Complete Guide to Gaming". Claim 10 sets out a method of playing bingo in which two games are run simultaneously using a single bingo card -- the first game using a five-by-five matrix and the second game using a seven-by-seven matrix that incorporates the five-by-five matrix used in the first game. A player makes a first wager to play in the five-by-five game and a second wager to play in the seven-by-seven game. Claim 10 has been amended similar to the amendment made to Claim 1 to more specially recite the details of the bingo card used in this method.

There is nothing in either Simpson, Parker or Scarne that teaches or suggests a five-by-five matrix bingo game combined with a seven-by-seven matrix bingo game and certainly nothing in any of these references that teaches or suggests using the same bingo card for two games and that separate wagers are required for each separate game. Simpson and Parker are both "single game at a time" bingo games and Scarne is relied upon for his discussion of bingo and keno having common origins. Applicant submits that the method of Claim 10, as amended, would not have been obvious in view of Simpson, Parker and Scarne.

Claim 11 depends from Claim 10 and incorporates all of the limitations thereof and is submitted to be allowable for the same reasons that Claim 10 is allowable. Claim 11 further specifies that a third wager is required for eligibility in a jackpot pool and that a portion of the third wager is designated for the jackpot

pool. The player wins the jackpot pool if the player achieves a certain winning combination on the bingo game, the winning combination having been predetermined.

While jackpot pools are known in connection with bingo, none of the references relied upon by the Examiner teach or suggest having a separate bet for eligibility for the jackpot pool, particularly in conjunction with a combined bingo game using both a five-by-five matrix and a seven-by-seven matrix bingo card. The progressive jackpot prizes for obtaining certain bingos are not played in the same manner as keno is played, nor are the wagering steps for progressive bingo similar to the wagering steps for keno. In keno, players select their numbers, place their wagers, and then hope that the numbers drawn match the numbers they selected. In Applicant's bingo method, players place a first wager in order to play the bingo game. If the players wish to be eligible for the higher progressive jackpot prizes, they must make an additional side wager and this additional side wager does not interfere with the play of the regular bingo game.

The progressive jackpot mentioned in Scarne is in no way similar to the progressive jackpot in Applicant's bingo game. Scarne mentions large jackpot prizes offered for a "cover all" game. When the prize is not won in a particular session, the bingo parlor adds more money to the jackpot prize for the following week and continues to do so until the jackpot is won. In these games, the house is responsible for progressively increasing the jackpot prize for which all players playing that cover all bingo game are

eligible. In Applicant's method, in order to be eligible for the progressive jackpot, the player must do more than simply play that particular game, he must make a separate wager. A portion of that separate wager is then transferred to each progressive jackpot, increasing the size of the progressive jackpot.

Claim 12 recites a method of playing a bingo game in which the first wager makes the player eligible for the five-by-five game and the second wager makes the player eligible for the progressive jackpot. Again, while jackpot pools are known in connection with bingo, none of the references relied upon by the Examiner teach or suggest having a separate bet for eligibility for the jackpot pool. A portion of the second wager is allocated to the jackpot pool. Two separate awards are made -- one for winning the bingo game and the second for achieving the predetermined jackpot combination. Applicant submits that Claim 12 is allowable over the references to Simpson, Parker and Scarne.

Claims 4-9 were also rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. These claims have been amended to clarify that the plurality of bingo balls are separated into groups with the first group having a first indicium, the second group having a second indicium and the third group having a third indicium. Applicant submits that this clarifying language to these claims overcomes the indefiniteness found by the Examiner.

The Examiner also comments on Claims 11 and 12 regarding the progressive jackpot. Assuming this is a rejection of these claims under 35 U.S.C. § 112, second paragraph, Applicant has also amended

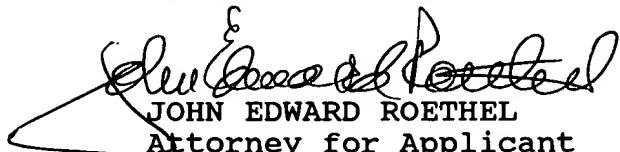
these claims to more specifically provide that a predetermined combination is established as a winning combination for the progressive jackpot pool. Thus, the method steps related to winning the progressive jackpot are now seen to be completely set out in these claims.

New Claims 13 and 14 have been added to more completely provide the scope of protection to which Applicant's invention is entitled. Claims 13 and 14 cover the method of playing a bingo game in which differently marked bingo balls are provided. The player can win differing amounts for his wager depending upon whether he achieves a winning combination only from one group of marked bingo balls, two groups of marked bingo balls or all three groups of marked bingo balls. Neither Simpson, Parker, Scarne or any of the other references of record in this application teach or suggest this method. Applicant suggests that new Claims 13 and 14 are allowable over the prior art of record.

Applicant submits that all of the claims remaining in this application are allowable over the prior art of record from the first Office Action. Applicant requests that the Examiner reconsider his rejections of the claims and find that this application is now in condition for allowance and such is respectfully requested. If the Examiner has any further questions

regarding this application, the Examiner is requested to call undersigned counsel.

Respectfully submitted,

  
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